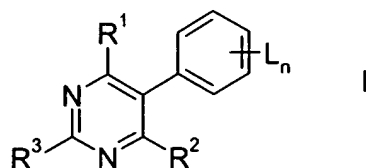


JC17 Rec'd PCT/PTO 20 SEP 2005

AMENDMENTS TO THE CLAIMS

1. (Original) A 2-substituted pyrimidine of the formula I



in which the index and the substituents are as defined below:

n is an integer from 1 to 5, where at least one substituent L is located in the ortho-position on the phenyl ring;

L is halogen, cyano, nitro, cyanato (OCN), C₁-C₈-alkyl, C₂-C₁₀-alkenyl, C₂-C₁₀-alkynyl, C₁-C₆-alkoxy, C₂-C₁₀-alkenyloxy, C₂-C₁₀-alkynyloxy, C₃-C₆-cycloalkyl, C₃-C₆-cycloalkenyl, C₃-C₆-cycloalkoxy, C₃-C₆-cycloalkenyloxy, -C(=S)-N(A')A, -C(=NA')-SA, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A,

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C₁-C₆-alkyl, C₂-C₆-alkenyl, C₂-C₆-alkynyl, C₃-C₈-cycloalkyl, C₃-C₈-cycloalkenyl, phenyl,

where the organic radicals may be partially or fully halogenated or may be substituted by cyano or C₁-C₄-alkoxy; or A and A' together with the atoms to which they are attached are a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

R¹ is C₃-C₁₀-alkyl, C₃-C₁₀-alkenyl, C₃-C₁₀-alkynyl, C₃-C₁₂-cycloalkyl, C₃-C₁₀-cycloalkenyl or a five- to ten-membered saturated, partially unsaturated or aromatic heterocycle which is attached via carbon and contains one to four heteroatoms from the group consisting of O, N and S,

R² is halogen, cyano, C₁-C₄-alkyl, C₂-C₄-alkenyl, C₂-C₄-alkynyl, C₁-C₄-alkoxy, C₃-C₄-alkenyloxy or C₃-C₄-alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of R² may be substituted by halogen, cyano, nitro, C₁-C₂-alkoxy or C₁-C₄-alkoxycarbonyl,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, R¹ and/or R² for their part may be partially or fully halogenated or may carry one to four groups R^u:

R^u is halogen, cyano, C₁-C₈-alkyl, C₂-C₁₀-alkenyl, C₂-C₁₀-alkynyl, C₁-C₆-alkoxy, C₂-C₁₀-alkenyloxy, C₂-C₁₀-alkynyloxy, C₃-C₆-cycloalkyl, C₃-C₆-cycloalkenyl, C₃-C₆-cycloalkoxy, C₃-C₆-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-

$N(A')A$, $C(A')(=N-OA)$, $N(A')A$, $N(A')-C(=O)-A$, $N(A'')-C(=O)-N(A')A$, $S(=O)_m-A$, $S(=O)_m-O-A$ or $S(=O)_m-N(A')A$, where m , A , A' , A'' are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups R^v , R^v having the same meaning as R^u ;

R^3 is cyano, CO_2R^a , $C(=O)NR^zR^b$, $C(=O)-N-OR^b$, $C(=S)-NR^aR^b$, $C(=NOR^a)NR^zR^b$, $C(=NR^a)NR^zR^b$, $C(=O)NR^a-NR^zR^b$, $C(=N-NR^zR^c)NR^aR^b$, $C(=O)R^a$, $C(=NOR^b)R^a$, $C(=N-NR^zR^b)R^a$, $CR^aR^b-OR^z$, $CR^aR^b-NR^zR^c$, $ON(=CR^aR^b)$, $O-C(=O)R^a$, $NR^aR^{b'}$, $NR^a(C(=O)R^b)$, $NR^a(C(=O)OR^b)$, $NR^a(C(=O)-NR^zR^b)$, $NR^a(C(=NR^c)R^b)$, $NR^a(N=CR^cR^b)$, $NR^a-NR^zR^b$, NR^z-OR^a , $NR^a(C(=NR^c)-NR^zR^b)$, $NR^a(C(=NOR^c)R^b)$; where

R^a, R^b, R^c independently of one another are hydrogen, C_1 - C_6 -alkyl, C_2 - C_6 -alkenyl, C_2 - C_6 -alkynyl, C_3 - C_6 -cycloalkyl or C_4 - C_6 -cycloalkenyl;

$R^{b'}$ has the same meanings as R^b , except for hydrogen;

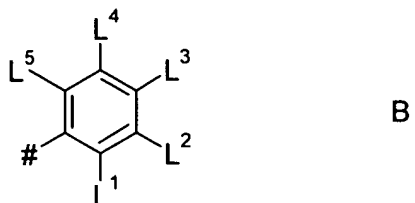
R^z has the same meanings as R^a and may additionally be $-CO-R^a$;

where the aliphatic or alicyclic groups of the radical definitions of R^a, R^b, R^c or R^z for their part may be partially or fully halogenated or may carry one to four groups R^w :

R^w is halogen, cyano, C_1 - C_8 -alkyl, C_2 - C_{10} -alkenyl, C_2 - C_{10} -alkynyl, C_1 - C_6 -alkoxy, C_2 - C_{10} -alkenyloxy, C_2 - C_{10} -alkynyloxy, C_3 - C_6 -cycloalkyl, C_3 - C_6 -cycloalkenyl, C_3 - C_6 -cycloalkoxy, C_3 - C_6 -cycloalkenyloxy, and where two of the radicals R^a, R^b, R^c or R^z together with the atoms to which they are attached may form a five- or six-membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S.

2. (Original) A 2-substituted pyrimidine according to claim 1 where R^2 is chlorine, cyano, methyl, ethyl or methoxy.
3. (Original) A 2-substituted pyrimidine according to claim 1 where R^3 is cyano, $C(=O)NR^zR^b$, $C(=S)NR^zR^b$, $C(=NOR^a)NR^zR^b$, $C(=NOR^b)R^a$, $C(=N-NR^zR^b)R^a$ or $CR^aR^b-NR^zR^c$.
4. (Original) A 2-substituted pyrimidine according to claim 1 where R^3 is $ON(=CR^aR^b)$, $NR^a(C(=O)R^b)$, $NR^a(C(=O)OR^b)$, $NR^a(N=CR^cR^b)$ or NR^z-OR^a .

5. (Currently Amended) A 2-substituted pyrimidine according to ~~any of claims 1 to 4~~ claim 1 in which the phenyl group substituted by L_n is the group B



where # is the point of attachment to the pyrimidine skeleton and

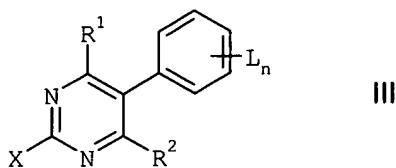
L^1 is fluorine, chlorine, CH_3 or CF_3 ;

L^2, L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3 , SCH_3 , OCH_3 , SO_2CH_3 , NH-C(=O)CH_3 , $\text{N(CH}_3\text{)-C(=O)CH}_3$ or COOCH_3 and

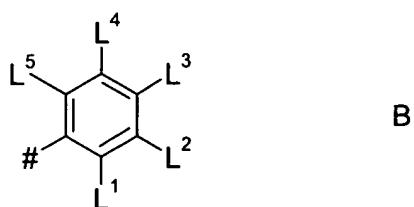
L^5 is hydrogen, fluorine, chlorine or CH_3 .

6. (Original) A process for preparing 2-substituted pyrimidines of the formula I according



to claim 1 where R^3 is cyano, which comprises reacting a compound of the formula III, in which the substituents L , R^1 and R^2 are as defined in claim 1 and X is halogen, $\text{C}_1\text{-C}_6\text{-alkoxy}$, $\text{C}_1\text{-C}_6\text{-alkylthio}$, $\text{C}_1\text{-C}_6\text{-alkylsulfoxy}$, $\text{C}_1\text{-C}_6\text{-alkylsulfonyl}$ or $\text{C}_1\text{-C}_6\text{-alkylsulfenyl}$ with a hydrocyanic acid derivative, if appropriate in the presence of a base.

7. (Original) A composition suitable for controlling harmful fungi which comprises a solid or liquid carrier and a compound of the formula I according to claim 1.
8. (Original) A method for controlling phytopathogenic harmful fungi which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I according to claim 1.
9. (New) A 2-substituted pyrimidine according to claim 2 in which the phenyl group substituted by L_n is the group B



where # is the point of attachment to the pyrimidine skeleton and

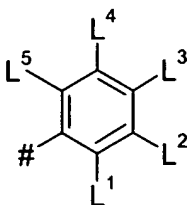
L^1 is fluorine, chlorine, CH_3 or CF_3 ;

L^2, L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3 , SCH_3 , OCH_3 , SO_2CH_3 , NH-C(=O)CH_3 , $\text{N(CH}_3\text{)-C(=O)CH}_3$ or COOCH_3 and

L^5 is hydrogen, fluorine, chlorine or CH_3 .

10. (New) A 2-substituted pyrimidine according to claim 3 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

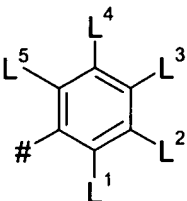
L^1 is fluorine, chlorine, CH_3 or CF_3 ;

L^2, L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3 , SCH_3 , OCH_3 , SO_2CH_3 , NH-C(=O)CH_3 , $\text{N(CH}_3\text{)-C(=O)CH}_3$ or COOCH_3 and

L^5 is hydrogen, fluorine, chlorine or CH_3 .

11. (New) A 2-substituted pyrimidine according to claim 3 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

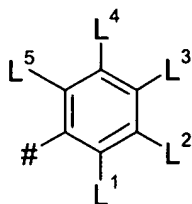
L^1 is fluorine, chlorine, CH_3 or CF_3 ;

L^2, L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3 , SCH_3 , OCH_3 , SO_2CH_3 ,
 $\text{NH}-\text{C}(=\text{O})\text{CH}_3$, $\text{N}(\text{CH}_3)-\text{C}(=\text{O})\text{CH}_3$ or COOCH_3 and

L^5 is hydrogen, fluorine, chlorine or CH_3 .

12. (New) A 2-substituted pyrimidine according to claim 4 in which the phenyl group substituted by L_n is the group B



B

where # is the point of attachment to the pyrimidine skeleton and

L^1 is fluorine, chlorine, CH_3 or CF_3 ;

L^2, L^4 independently of one another are hydrogen, CH_3 or fluorine;

L^3 is hydrogen, fluorine, chlorine, cyano, CH_3 , SCH_3 , OCH_3 , SO_2CH_3 ,
 $\text{NH}-\text{C}(=\text{O})\text{CH}_3$, $\text{N}(\text{CH}_3)-\text{C}(=\text{O})\text{CH}_3$ or COOCH_3 and

L^5 is hydrogen, fluorine, chlorine or CH_3 .